

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1 and 18 are amended. Claims 1-4, 6-11, 18, 19 and 21-24 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Objection to the Claims

In the Office Action, at page 2, numbered paragraph 4, claims 6 and 21 were objected to. Claims 6 and 21 were amended in accordance with the Examiner’s comments, and accordingly, withdrawal of the objection to the claims is respectfully requested.

II. Rejection under 35 U.S.C. § 103

Ryu in view of Sumner

In the Office Action, at page 3, numbered paragraph 6, claims 1-4, 6, 18, 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0061842 to Ryu et al. in view of U.S. Patent No. 6,092,400 to Sumner et al. This rejection is respectfully traversed.

Ryu appears to qualify as prior art only under 35 U.S.C. §102(e)(1). In addition, it is noted that Ryu was commonly owned or subject to an obligation of assignment to the same entity with the instant application at the time the invention of the instant application was made. Under 35 U.S.C. §103(c), “[s]ubject matter developed by another person, which qualifies as prior

art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." MPEP 2146. As such, it is respectfully submitted that Ryu is not available as prior art for use in an obviousness rejection under 35 U.S.C. § 103.

Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Imamura in view of Sumner

In the Office Action, at page 2, numbered paragraph 4, claims 1-4, 6-10, 18, 19 and 21 were rejected under 35 U.S.C. § 103(b) as being unpatentable over U.S. Patent No. 5,870,905 to Imamura et al in view of Sumner. This rejection is respectfully traversed because the combination of the teachings of Imamura and Sumner does not discuss or suggest all the features of amended independent claims 1 and 18.

Imamura does not discuss or suggest that a water supplier supplies wash water directly from the water supplier into a water tub and directly from the water supplier into a rotary drum. The water supply inlet 22 supplies water only directly into the water tub 2. However, the water supply inlet 22 does not supply water directly from the water supply inlet 22 into the rotary drum 3. The water that is supplied into the rotary drum 3 is first supplied in to the water tub 2.

Sumner fails to make up for the deficiencies in Imamura. Further, the motivation cited by the Examiner does not suggest why one of ordinary skill in the art would combine an inclined rotary drum with perforation holes of Sumner with a washing machine including a water supply inlet that supplies water only directly into a water tub of Imamura.

Therefore, as the combination of the teachings of Imamura and Sumner does not discuss or suggest, "a rotary drum located in the water tub to partially surround the wash water contained in the water tub, the rotary drum being installed to be inclined by a determined angle and including a back wall coupled to a rotary shaft, a front wall having a central opening, a cylindrical side wall having opposite ends respectively coupled to the front and back walls, and a plurality of perforations formed through the front wall to allow the wash water to be drained when the rotary drum rotates; and a water supplier to supply the wash water directly from the water supplier into the water tub and directly from the water supplier into the rotary drum," as recited in amended independent claim 1, and as the teachings of Imamura and Sumner do not discuss or suggest "a water supplier to supply the wash water directly from the water supplier into the water tub and directly from the water supplier into the rotary drum; a circulator to circulate the wash water; and a controller to control the water supplier to supply the wash water into the water tub

and the rotary drum, respectively, while washing laundry, which has been placed in the rotary drum, and to control the circulator to mix the wash water contained in the water tub with the wash water contained in the rotary drum, wherein the rotary drum is installed to be inclined by a determined angle and includes a back wall coupled to a rotary shaft, a front wall having a central opening, a cylindrical side wall having opposite ends respectively coupled to the front and back walls, and a plurality of perforations formed through the front wall to allow the wash water to be drained when the rotary drum rotates," as recited in amended independent claim 18, claims 1 and 18 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-4, 6-10, 19 and 21 depend either directly or indirectly from independent claims 1 and 18 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 9 recites, "a water temperature sensor to detect temperature of the wash water contained in the water tub, wherein the controller controls the heater to heat the contained wash water in stages until the water temperature detected by the water temperature sensor reaches a set temperature." Imamura does not discuss or suggest that the contained wash water is in stages until a water temperature detected by the water temperature sensor reaches a set temperature. Therefore, claims 2-4, 6-10, 19 and 21 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(b) rejection is respectfully requested.

Kwon in view of Sumner

In the Office Action, at page 4, numbered paragraph 8, claims 1-4, 6, 18, 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,516,484 to Kwon in view Sumner. This rejection is respectfully traversed because the combination of the teachings of Kwon and Sumner does not suggest all the features of amended independent claims 1 and 18.

Kwon does not discuss or suggest that a water supplier supplies wash water directly from the water supplier into a water tub and directly from the water supplier into a rotary drum. Kwon discusses only that rinsing water is fed into a tilted washing tub 60 to perform rinsing. However, Kwon does not discuss or suggest that a water supplier supplies water directly into both outer tub 61 and the inner tub 65. The water that is supplied into the inner tub 62 is first supplied into the outer tub 61.

Sumner fails to make up for the deficiencies in Kwon. Further, the motivation cited by the Examiner does not suggest why one of ordinary skill in the art would combine an inclined rotary drum with perforation holes of Sumner with a washing machine including a water supply that supplies water only directly into a water tub of Kwon.

Therefore, as the combination of the teachings of Imamura and Kwon does not discuss or suggest, "a rotary drum located in the water tub to partially surround the wash water contained in the water tub, the rotary drum being installed to be inclined by a determined angle and including a back wall coupled to a rotary shaft, a front wall having a central opening, a cylindrical side wall having opposite ends respectively coupled to the front and back walls, and a plurality of perforations formed through the front wall to allow the wash water to be drained when the rotary drum rotates; and a water supplier to supply the wash water directly from the water supplier into the water tub and directly from the water supplier into the rotary drum," as recited in amended independent claim 1, and as Ryu does not discuss or suggest "a water supplier to supply the wash water directly from the water supplier into the water tub and directly from the water supplier into the rotary drum; a circulator to circulate the wash water; and a controller to control the water supplier to supply the wash water into the water tub and the rotary drum, respectively, while washing laundry, which has been placed in the rotary drum, and to control the circulator to mix the wash water contained in the water tub with the wash water contained in the rotary drum, wherein the rotary drum is installed to be inclined by a determined angle and includes a back wall coupled to a rotary shaft, a front wall having a central opening, a cylindrical side wall having opposite ends respectively coupled to the front and back walls, and a plurality of perforations formed through the front wall to allow the wash water to be drained when the rotary drum rotates," as recited in amended independent claim 18, claims 1 and 18 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-4, 6, 19 and 21 depend either directly or indirectly from independent claims 1 and 18 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 19 recites, "a drum driver, to rotate the rotary drum, wherein the drum driver is controlled by the controller." Therefore, claims 2-4, 6, 19 and 21 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Imamura in view of Sumner and Noguchi

In the Office Action, at page 5, numbered paragraph 1, claims 11 and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamura in view of Sumner and further in view of U.S. Patent No. 6,122,843 to Noguchi et al. This rejection is respectfully traversed.

As discussed above with respect to independent claims 1 and 18, the combination of the teachings of Imamura and Sumner does not suggest all the features of claims 1 and 18. Noguchi fails to make up for the deficiencies in Imamura and Sumner. Therefore, claims 1 and 18 patentably distinguish over the references relied upon. Claims 11 and 22-24 depend either directly or indirectly from independent claims 1 and 18 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 11 recites, "a storage unit to store information about the set temperature corresponding to the washing course, wherein the controller recognizes the set temperature by searching the storage unit." Therefore, claims 11 and 22-24 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Conclusion

In accordance with the foregoing, claims 1, 6, 18 and 21 are amended. Claims 1-4, 6-11, 18, 19 and 21-24 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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